



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
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MARINE CORPS ORDER 3430.7

From: Commandant of the Marine Corps
To: Distribution List

Subj: MARINE CORPS PROGRAM FOR THE USE AND ACQUISITION OF
NON-LETHAL WEAPONS

Ref: (a) DoD Directive 3000.3
(b) DoDI 5000.1
(c) SECNAVINST 5711.8
(d) MCO 3900.4D
(e) MCO 5500.6F

1. Purpose. To publish policy establishing uniform procedures for the request, approval and employment of non-lethal weapons (NLW) for use in law and order operations, riot control, crowd control, contingency operations, armed conflict, military operations other than war (MOOTW) and noncombatant evacuation operations (NEO).

2. Definition. Reference (a) defines NLW as being specifically designed and employed to incapacitate personnel or materiel while minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment.

3. Background. Reference (a) designates the Commandant of the Marine Corps (CMC) as the Executive Agent for NLW within the Department of Defense. For the Marine Corps, Commander, Marine Corps System Command (COMMACORSYSCOM (CBG)) is responsible for the acquisition of NLW, Commanding General, Marine Corps Combat Development Command (CG, MCCDC (WDID)) is responsible for determining NLW requirements, and CMC (PP&O) is responsible to ensure the employment of NLW is consistent with the policy set forth in references (a) through (d).

4. Discussion

a. References (a) through (c) provide guidance regarding the legal review process for the acquisition and use of NLW. These references set forth procedures to ensure that the intended use of NLW in armed conflict, MOOTW, NEO, or other military operations is consistent with the obligations assumed by the United States under applicable treaties, international law, and the law of

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war. To meet existing legal requirements, NLW must:

- (1) Comply with all applicable provisions of international law.
- (2) Fulfill a legitimate mission requirement.
- (3) Prevent the infliction of unnecessary suffering.
- (4) Fulfill a need that cannot be met by systems currently in the inventory.

b. Per reference (d) acquisition of NLW will be undertaken using the Concept Based Requirements Process (CBRP) as set forth therein. CBRP provides a systematic approach for identification of NLW requirements that, if validated, would reduce or eliminate an operational deficiency.

c. NLW afford the commander an alternative means of employing force short of the use of deadly force. Reference (e) establishes policy regarding the use of force and addresses the continuum of force. NLW should enhance the capability of commanders to take military action in situations where the use of deadly force is not the preferred option. The availability of NLW does not limit a commander's inherent authority and obligation to use all means available and to take all appropriate action in self-defense.

5. Policy

a. The option to employ NLW fills a void in the escalation of force between deterrence and deadly force and is aimed at minimizing bodily harm and preventing loss of life. Accordingly, commanders will ensure that the employment of NLW is considered in all operational planning.

(1) NLW should enhance the ability of commanders to accomplish the following objectives:

- (a) Discourage, delay, or prevent hostile actions.
- (b) Limit escalation.
- (c) Facilitate military action in situations where use of deadly force is not the preferred option.
- (d) Provide for better protection of our forces.

(e) Temporarily disable equipment, facilities, and personnel.

(2) The presence of NLW does not constitute a requirement for their use in lieu of lethal weapons and weapon systems, providing such use is consistent with applicable law. NLW may be used in conjunction with lethal weapons' systems to enhance the latter's effectiveness and efficiency in military operations.

(3) NLW are not absolutely risk free and may produce fatalities or permanent injuries. However, when properly employed, NLW can reduce the potential for casualties and minimize collateral damage. Commanders possessing NLW will ensure that procedures are established to provide the familiarization and training necessary to effectively employ such weapons.

b. Requests for acquisition of NLW will be submitted to CG, MCCDC (WDID). The CG, MCCDC (WDID) will coordinate a review of the acquisition request with CMC (POS and JAO) to ensure that the requested NLW complies with established policy and legal requirements. Following this acquisition review, CG, MCCDC (WDID) will coordinate with COMMARCORSYSCOM (CBG) to initiate the acquisition process. Acquisition procedures for NLW are as follows:

(1) Non-emergency requirement. Commanders will use CBRP to identify a particular operational need or deficiency that may be met by acquisition of NLW. This process commences with the submission of a Fleet Operational Needs Statement (FONS) to the CG, MCCDC (WDID). Guidance on the format and submission of FONS is contained in enclosure (15) of reference (d).

(2) Emergency requirement. When a commander identifies an emergent need of such a nature that adherence to standard acquisition procedures in reference (d) would adversely impact on mission accomplishment, a request may be submitted for procurement of off-the-shelf NLW. To submit such a request, commanders will take the following steps:

(a) Submit a FONS to CG, MCCDC (WDID) with a cover letter detailing the circumstances surrounding the request. The cover letter must provide the rationale for the immediate request and should include a due date to meet the operational requirement.

(b) If a particular off-the-shelf NLW is requested, detailed information (e.g., manufacturer, make, model number, cost, etc.) must be provided.

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(c) Copies of both the FONS and cover letter will be routed concurrently to COMMARCORSYSCOM (CBG), CMC (POS) and CMC (JAO) for review to ensure compliance with policy and legal requirements. Following their review, recommendations will be provided to CG, MCCDC (WDID) regarding approval or disapproval of the request. CG, MCCDC (WDID) will consolidate all endorsements and respond via the chain-of-command to the requesting organization.

6. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.



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